

## REMARKS

### Summary of Advisory Action

Claims 1-27 are pending in this application. Claims 22-27 were withdrawn from consideration pursuant to a restriction requirement.

The Examiner refused to enter applicant's proposed amendments filed in a December 21, 2007 Reply To Final Office Action because they were not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

Claims 1, 8, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Myerson et al. U.S. Patent No. 3,063,450 (hereinafter "Myerson"). Dependent claims 2-7 stand rejected under 35 U.S.C. § 103(a) as being obvious from Myerson.

Claims 10-27\* stand rejected under 35 U.S.C. § 103(a) as being obvious from Cooper\*\* in view of Sarnoff et al. U.S. Patent No. 4,755,169 (hereinafter "Sarnoff").

### Summary of Applicant's Reply

Applicant has amended independent claims 1 and 10 to more precisely define the invention. Dependent claim 7 has been amended to change dependency from claim 2 to claim 1, and dependent claims 8 and 17 have been canceled without prejudice.

No new matter is added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

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\* Applicant assumes the Examiner meant claims 10-21, since claims 22-27 were withdrawn.

\*\* Applicant assumes the Examiner meant Myerson.

Rejections of Claims 1-9 Under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 8, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Myerson. Dependent claims 2-7 were rejected under 35 U.S.C. § 103(a) as being obvious from Myerson.

These rejections are respectfully traversed.

Amended independent claim 1 requires, among other things, the following:

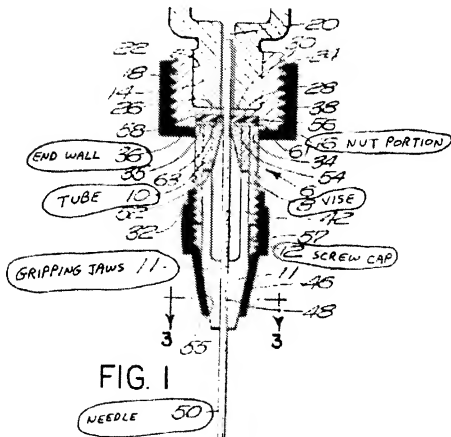
- the wall of the cap to have interior and exterior surfaces opposite each other;
- the first hub portion to extend along and contact the interior surface of the wall;
- the second hub portion to extend along and contact the exterior surface of the wall;
- the second hub portion to extend beyond the first hub portion in the direction of the needle;
- the second hub portion to contact the needle; and
- the wall to be adjoined on the interior surface by the first hub portion and on the exterior surface by the second hub portion.

Myerson's syringe does not meet these requirements.

As shown in the portion of Myerson's FIG. 1 enlarged and annotated below:

- Myerson's screw cap 12 (highlighted in black and which the Examiner equated to applicant's second hub portion) does not extend in the direction of the needle beyond Myerson's vise 8 and gripping jaws 11 (which the Examiner equated to applicant's first hub portion);
- screw cap 12 ( $\approx$  the second hub portion) does not contact the needle;
- screw cap 12 ( $\approx$  the second hub portion) does not extend along and contact an exterior surface of end wall 36 of nut portion 16 (highlighted in black) (compare to applicant's FIGS. 4 and 5D);

- vise 8 and gripping jaws 11 ( $\approx$  the first hub portion) do not extend along and contact an interior surface of end wall 36; and
- end wall 36 is not adjoined on an interior surface by vise 8 and gripping jaws 11 ( $\approx$  the first hub portion) and on an exterior surface by screw cap 12 ( $\approx$  the second hub portion).



Myerson therefore does not anticipate amended independent claim 1, which should now be allowable.

For at least these reasons, dependent claims 2-7 and 9, which depend directly or indirectly from independent claim 1, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicant respectfully requests that the rejections of claims 1-7 and 9 under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn.

Rejections of Claims 10-21 Under 35 U.S.C. § 103(a)

Claims 10-21 were rejected under 35 U.S.C. §103(a) as being obvious from the combination of Myerson and Sarnoff.

These rejections are respectfully traversed.

Amended independent claim 10 includes the same limitations as described above for independent claim 1.

Thus, as discussed above, claim 10 is also not anticipated by Myerson.

And because Sarnoff was cited to show an automatic injector with a housing, cartridge, and actuation assembly, Sarnoff does not make up for the deficiencies of Myerson.

Therefore, the combination of Myerson and Sarnoff does not render obvious amended independent claim 10, which should now be allowable.

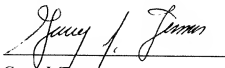
For at least these reasons, dependent claims 11-16 and 18-21, which depend directly or indirectly from independent claim 10, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicant respectfully requests that the rejections of claims 10-16 and 18-21 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-7, 9-16, and 18-21 are allowable. Therefore, subject to the disposition of withdrawn claims 22-27, this application is in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Garry J. Tuma", is written over a horizontal line.

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